

Warden Osborne of Sing Sing Indicted on Six Counts

FINAL
EDITION

The

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NO DISAVOWAL OF THE ANCONA SINKING; BREAK CERTAIN, RUMOR IN WASHINGTON

CONGRESSMAN BUCHANAN, LOBBYISTS AND LABOR LEADER INDICTED IN STRIKE PLOTS

Ex-Congressman Fowler of Illinois and Monnett of Ohio Are Named.

BILL AGAINST LAMAR

Rintelen Among Accused—Conspiracy Is Charged by U. S. Grand Jury.

The Federal Grand Jury to-day handed down indictments against eight men as a result of the investigation which has been going on for some months into the activities of Labor's National Peace Council, charged by the Government with being subsidized by Carl Franz von Rintelen, the German agent, through David Lamar, the "Wolf of Wall Street," to incite strikes in munition plants where supplies were being turned out for the Allies.

The following were indicted: FRANK RINTELEN, alias Fred Hanzel, alias Fred Miller, Fred Muller, Edward V. Gates, Edward V. Gasche.

DAVID LAMAR, alias David H. Lewis, alias ————, lobbyist and friend of Lamar.

FRANK BUCHANAN, member of Congress from Illinois, former President of Labor's National Peace Council.

JACOB C. TAYLOR of East Orange, labor leader and President of Labor's National Peace Council.

H. ROBERT FOWLER, former Congressman from Illinois and general counsel of Labor's Council.

FRANK S. MONNETT, former Attorney General of Ohio and one of the executive committee of the Council.

HERMAN SCHULTEIS, reputed lobbyist and friend of Lamar.

HENRY B. MARTIN, reputed lobbyist and friend of Lamar.

Only one indictment was brought, containing one count, the charge being a violation of the Sherman Anti-Trust law, section one, the specification being conspiracy in restraint of foreign commerce. The punishment is one year in prison and a fine of \$10,000 in each case.

The indictment charges that since May 1 up to the present the defendants unlawfully did knowingly and wilfully engage in a conspiracy in restraint of the commerce between this country and those of the Allies. The conspirators were to use any and all means not generally specified, to carry out their scheme, by bribery and other inducements to prevent the manufacture of munitions of war, by inciting strikes in the plants and also among the men engaged in preparing the manufactured stuff for shipment.

LAMAR PREPARES TO SURRENDER HIMSELF.

The indictments were returned to Judge Learned Hand in the United States District Court and warrants were issued for the arrest of the defendants. David Lamar had no official knowledge that he was to be indicted, and had made arrangements through his attorney to surrender himself to the custody of United States Marshal McCarthy.

The indictments are the result of the activities in this country of Capt. Franz von Rintelen, friend of the Kaiser and special favorite of Admiral

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REJECTED IN LOVE, SHOOT YOUNG GIRL THEN SELF IN PARK

Steals Brother's Police Gun for Tragedy—Pins Girl's Picture Over Heart.

Hemmed in by a closing ring of detectives who had been hunting him in the thickets on the west side of Central Park, Herman D. Pense, a former clerk in the Custom House, shot himself in the abdomen at One Hundred and Seventh Street and the West Drive to-day.

Half an hour before, Pense had shot Viola Deverick, a seventeen-year-old girl, of No. 46 Manhattan Avenue, in the hallway of her home, inflicting a painful wound in her jaw. Pense, who used the revolver of his brother, Frederick Pense Jr., a policeman, was taken to Harlem Hospital in a critical condition.

The Pense brothers lived together until a few weeks ago at No. 9 East Eighth Street. Policeman Pense was notified of the shooting of Miss Deverick by the police of the Mercer Street Station. He then remembered that he had been conscious during the night that his brother had been in the room with him. He found his police revolver and 50 cents had been taken from his trousers.

He notified Acting Captain Cogan and suggested that Central Park be searched.

Miss Deverick, who is a pretty girl, quarreled with Pense because of his actions after he was dismissed from the Federal service. He made repeated attempts to meet her and make up, insisting that she had promised to marry him. She denied the engagement.

She was going out on an errand early to-day and had reached the ground floor hall when Pense stepped out from under the stairs and fired at her head at short range. She fell and Pense ran.

Policeman Shuttles of the squad sent out by Lieut. Farley from the Arsenal, found Pense lying on the walk near the drive. A picture of Viola Deverick was pinned over his heart and the revolver lay beside him. In his pocket were two notes. One was unaddressed and read:

"Dear Mother: Forgive me, please. Viola and I love each other truly. How unhappy we are. We never wanted to be parted. Together we go to the Great Beyond, where at last we can be married. Bury us together, please. Enclosed is check for my bag at Times Square and get the bag, for it contains letters from my sweetheart. Keep them. Ask Brother Fred to give you the letters in my trunk on Eighth Street."

"I love you mother and Elaine and you go to church and pray for us both. What a perfect love and how happy we could have been, but both our lives are clouded with misfortune."

The other which was addressed to his uncle, Paul Bessel at No. 161 Broadway, said in part:

"No one has ever understood me. If Papa had helped make a man of me this never would have happened. I'm shooting myself."

WILLIAMS RESIGNED GAS CHARGES WERE TO GO TO ALBANY

Thompson Committee About to Dig Deeply Into Facts Offered by Evening World.

FAVORED 95 CENT GAS.

Public Service Commission Will Act on Rate Reduction Demanded in Brooklyn.

TWO OUT OF P. S. BOARD AFTER DISCLOSURE BY THE EVENING WORLD

1. Edward E. McCall, Chairman of the Public Service Commission, First District, dismissed from office by Governor Whitman Dec. 6, 1915, as the result of the exposure by The Evening World of his holdings of stock in the Kings County Electric Light and Power Company.

2. George V. S. Williams, member of the same commission, forced to resign Dec. 27, 1915, after The Evening World disclosure of his attempt to fasten a 95-cent gas rate on the people of South Brooklyn.

The resignation of Public Service Commissioner George V. S. Williams, which was forwarded to Gov. Whitman and which will take effect Jan. 31, was prompted by the fact that the Thompson Legislative Committee was ready to delve deeply into the Kings County lighting case. Commissioner Williams favored a 95-cent rate as against the demand for a reduction to at least 85 cents.

All the facts concerning this company, its rate-making, and the attitude of Commissioner Williams have been supplied to the Committee by The Evening World. Commissioner Williams was fully informed last week as to the Committee's intention to thoroughly investigate the case. He preferred to resign rather than to face charges to the Governor.

Since Mr. Williams's position became known he has admitted his judgment was based upon a misinterpretation of information affecting the gas rate and has professed himself ready to vote for 85-cent gas for South Brooklyn.

Senator Thompson this afternoon made the following statement, which he said is the opinion of the investigating committee based on the record. "While I think it my duty to state that our investigations have developed nothing detrimental to the personal character of Mr. Williams, yet I believe his attitude as a Public Service Commissioner, and his personal view as to the manner of administration of the Public Service Law was wrong, and that his resignation has been a service to the State. I personally believe that his services would be of great value as an advocate in behalf of any public utility corporation."

The handling of the rate case of the Kings County Lighting Company, which was allowed to remain pending before the Commission and the courts for more than five years, was not adequately tried on behalf of the consumers by the attorneys for the Public Service Commission, and although the company itself offered to reduce its rates so that they would have been eight cents, the same as other companies charge in the City of Brooklyn, Commissioner Williams had written his opinion and distributed the same among the other commissioners advocating the rate.

(Continued on Second Page.)

MISS DAVIS STEPS OUT AS CORRECTION HEAD TO NEW JOB

Will Be Head of New Parole Board, Formed by Mayor, With More Salary.

LEWIS IS MOVED UP.

Cruger and McKinney Are Made Members of the New Commission.

Mayor Mitchell this afternoon announced that Commissioner of Corrections Katherine B. Davis is to be made head of a new Board of Parole at a salary of \$7,500 a year, and that her place is to be taken by her first deputy, Burdette G. Lewis.

Bertram de N. Cruger, who has been the Mayor's Executive Secretary at a salary of \$4,800 a year, is to be made a member of the Board of Parole at a salary of \$5,600 a year. He will serve six years.

Alexander McKinney, lawyer, of Brooklyn, is the third appointed member, at \$5,500. He will serve four years. McKinney is prominent in Roman Catholic church circles and is a member of the Board of Managers of the Kings Park State Hospital for the Insane.

Samuel Martin, who has been secretary to Aldermanic President McAneny, who retires the middle of next month, is to take Mr. Cruger's place as executive secretary to the Mayor.

In addition to the three appointed salaried commissioners there will be two ex-officio members of the Parole Commission. Police Commissioner Arthur Woods and Commissioner of Correction Lewis.

Speaking of his appointments Mayor Mitchell said:

"I have selected Dr. Katherine B. Davis, now Commissioner of Correction, for appointment to membership on the new Parole Commission. She will occupy the principal position of leadership. Dr. Davis, by temperament, by training and by experience is the best fitted person I can find for the position. Her splendid constructive work as Superintendent of the State Reformatory for Women at Bedford Hills, marked her out as the best fitted to do the work I had in mind in the Department of Correction when I took office two years ago."

"The signal success of her work as Commissioner of Correction is now well known to all. Because of that work, and because I want the vast powers of the Parole Commission placed in safe and sane hands, it is gratifying to me to be able to announce Dr. Davis's appointment to that commission."

The Mayor added that the policies of the Department of Correction, so far as they relate to the regular administrative work, are all mapped out and the new Commissioner, Mr. Lewis, will carry these out in cooperation with Dr. Davis and the Parole Commission.

The new Parole Commission will have very extensive powers. It will have the authority to release persons from any of the city jails or correctional institutions, who have been sent there by Magistrates under indeterminate sentences.

In the matter of county courts the Commission will act in conjunction with the Judges responsible for sentences. In order that the powers of the Commission may not be abused in disposing of local, indeterminate sentence cases the committing Magistrates will sit with the Commission in advisory capacity.

MISS KATHERINE DAVIS, WHO HEADS PAROLE BOARD AT A SALARY OF \$7,500.



Dr. KATHERINE B. DAVIS

NEW HAVEN MEN MUST ALL STAND TEST BEFORE JURY

Judge Refuses to Dismiss the Cases—Defense Starts Its Testimony.

All defendants in the case of the Government against the New Haven Railroad for alleged violation of the Sherman anti-trust law in conspiring to monopolize the transportation facilities of New England, will have to go to the jury. Judge William H. Hunt this morning denied all motions to dismiss the case which were submitted to him by the defense last Friday.

The jury had been excused while the arguments were being made, but was in the box when Judge Hunt made his decision this morning. The defense had asked for the dismissal of the entire case on the ground that no crime had been shown by the Government. It argued that the acts charged against the eleven former directors of the road were performed under due legal authority of the States having jurisdiction, and that these acts, instead of being prejudicial to the interests of the territory served, actually were beneficial and that whatever restraint of trade resulted was reasonable.

Judge Hunt granted the motion to strike from the record the correspondence between J. M. Hall, former President of the road, and Charles F. Brooks, one of the defendants.

The defense made no argument, following the decision, but proceeded immediately to putting in evidence. The first witness called by De Lancy Nicoll, was E. Dana Malone, Attorney General of Massachusetts under Gov. Draper, who signed the Boston Railway Holdings Bill, which has figured prominently in the case in court.

Dr. Walter F. Chappel, William Rockefeller's physician, was called to the stand this afternoon and testified that Mr. Rockefeller was physically unfit to give testimony. Any statement the physician said might have a serious effect on his patient, Mr. Rockefeller, in all probability, will not be called at the trial.

Gen. G. M. Dodge Critically Ill. CHRONIC. BLUFFS, Ia., Dec. 28.—The condition of Gen. Greenville M. Dodge, who is ill at his home here, was today reported as critical. Physicians hold out little hope of material improvement.

OSBORNE INDICTED FOR MALFEASANCE AND IMMORALITY

Westchester Grand Jury Finds Six Counts Against Sing Warden.

FRIENDS DEFEND HIM.

Declare Charges Are Result of Persecution—Prison Assaults Figure in Them.

WHITE PLAINS, N. Y., Dec. 28.—Thomas Mott Osborne, warden of Sing Sing Prison, was to-day indicted on six counts by the Westchester County Grand Jury which has been investigating prison conditions.

Five of the counts charge malfeasance in office. The sixth alleges immorality.

The accusations, according to Osborne's friends, grow out of a systematic campaign to force his removal from office.

The investigation has been in progress for about two months. Osborne is charged by the Grand Jury with failure to preserve discipline inside the prison walls. Assaults upon prisoners during sessions of the prison court, at which convicts themselves administered justice, constituted one of the charges against him.

MANY TRAINS CRUSH MAN IN THE SUBWAY

Well Dressed Victim, Believed to Be Benjamin Mitchell, Loses Life at Ninety-sixth Street.

The body of a man believed to be Benjamin Mitchell of No. 218 West One Hundred and Twenty-seventh Street was removed in a shocking mutilated condition from the tracks near the south end of the north bound platform in the Ninety-sixth Street subway station this afternoon just after 3 o'clock.

The man had hung a chincheilla trimmed overcoat on the iron rail at that point. Apparently he fell or jumped to the tracks. His disappearance was not noticed. The body was not found until it had created a short circuit.

In the coat pocket was a policy of the Mutual Life Insurance Company, made payable to Carrie Mitchell. There was also a notice that the interest on a \$22,000 mortgage, amounting to \$550, would be due Jan. 15.

WILLCOX FOR NEW HEAD OF EDUCATION BOARD

Mayor Is Reported Ready to Appoint Staten Island Member as Chairman.

It was announced at the City Hall this afternoon that William G. Willcox of New Brighton, Staten Island, will probably be named President of the Board of Education, to succeed Thomas Churchill, whose term expires on Dec. 31. Mr. Willcox, who is now a member of the board, is an organization Republican, and is Mayor Mitchell's candidate for the Chairmanship against George J. Gillespie, who is backed by all the influence in the board, which is friendly to Mr. Churchill. The Mayor and President Churchill have not been in agreement over educational matters for a long time.

VIENNA TO REJECT DEMAND FOR PUNISHMENT OF CAPTAIN WHO ORDERED LINER SUNK

Berlin Report Is That the Entire Question of Submarine Warfare May Be Cleared Up "Satisfactorily" Within a Few Days.

ROW IN BRITISH CABINET IS GROWING MORE BITTER

WASHINGTON, Dec. 28.—According to unofficial information received in authoritative quarters here to-day, Austria will not meet the demands of the United States in the forthcoming reply to the Ancona note.

Teutonic diplomatic circles are represented as being prepared for a severance of diplomatic relations.

Although the State Department has received from Ambassador Penfield at Vienna no forecast of the reply, it was understood that unless some excellent reason for continuing diplomatic correspondence on the subject was presented no course seems to remain but to break off relations.

PARIS, Dec. 28.—Advices from Vienna, as published by the Petit Journal, says the impression prevails in Austro-Hungarian Government circles that the forthcoming reply to the second American note regarding the Ancona incident will bring about a diplomatic rupture between the two nations.

The Petit Journal's despatch says the Austro-Hungarian answer to the American note was the subject of a long discussion Sunday night between Premier Tisza of Hungary and the Austro-Hungarian Foreign Minister, Baron von Burian. The Foreign Minister also conferred with Dr. C. T. Dumba, former Austro-Hungarian Ambassador at Washington.

BERLIN (via Amsterdam), Dec. 28 [United Press].—The entire question of submarine warfare, as affecting the United States, may be cleared up within a few days, it was learned from authoritative sources to-day.

Austria's reply will be handed to Ambassador Penfield this week. Assurance comes from reliable quarters that it is "satisfactory and final."

There is a strong party in the dual monarchy that has insisted that friendly relations with America be maintained.

Lloyd George or Asquith May Quit the Cabinet To-day

LONDON, Dec. 28.—The British Cabinet crisis over conscription, postponed yesterday after a protracted session, during which no decision was reached, will undoubtedly come to-day, when the sitting is resumed. British politicians believe a reconstruction of the Asquith coalition Ministry, or its overthrow, is inevitable.

The break is expected to come with the resignation of David Lloyd George, who is being most prominently spoken of as Premier to succeed Herbert Asquith. The Daily Mail declares that at yesterday's heated session of the Ministry Mr. George made his position clear, intimating that unless Asquith kept in its strictest sense his promise that married men would be the last to be called to the colors, he would resign immediately. Asquith's foes have centered on Lloyd George as Premier since the Munitions Minister's famous "too late" speech a few days ago.

The Mail asserts that Andrew Bonar Law, Secretary for the Colonies, and Earl Kitchener, Secretary for War, have not yet made their positions on conscription clear, while A. J. Balfour, First Lord of the Admiralty, resolutely opposes conscription. In this he is said to be supported by a majority of the Ministers, but David Lloyd George, the Marquis of Lansdowne, Earl Curzon, Sir Frederick Smith, J. Austen Chamberlain, Walter Hume Long and the Earl of Selbourne advocate immediate conscription.

Justice William S. Andrews, who tried the case, also signed a new order refusing to set aside the jury verdict and granting a new trial.

BARNES SUIT COSTS TO T. R.

SYRACUSE, N. Y., Dec. 28.—Former President Theodore Roosevelt to-day was allowed \$1,442.52 against William Barnes, Republican leader of Albany, as costs and disbursements in the recent trial in this city when the jury dismissed the \$50,000 libel suit brought by Barnes. It was agreed by attorneys that Roosevelt could have exacted \$2,000 more because of the extraordinary length of the trial, but he asked only the actual court costs incurred. Justice William S. Andrews, who tried the case, also signed a new order refusing to set aside the jury verdict and granting a new trial.

The Morning Post, the Times